IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1792 of 2003

&

WRIT PETITION NO.7949 OF 2003

WRIT PETITION NO : 1792 of 2003

Between:

B.Rambabu S/o Venkateshwar Rao
Mandur Post & Village, Pedavegi Mandal,
W.G.Dist.

..... PETITIONER

AND

1 The APSRTC., Rep by its MD.,
Musheerabad, Hyd.
2 The Depot Manager, APSRTC.,
Janga Reddy Gudem, W.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records from The respondents & issue an appropriate writ, order or direction particularly one on the nature writ of mandamus declaring the action of the R2 in disengaging service in so far as petitioner is concerned as Conductor Grade II w.e.f. 9-12-02 vide proceedings No.P1/255(2)/02-JRG, dt 9-12-02 as illegal, arbitrary contrary to law discriminatory amounts to unfair labour practice in violation of Sec 25-F& sec 25 N of the Industrial Disputes Act & also in violation of Art 14, 21 of the

Constitution of India & consequently declare that the petitioner is entitled for all consequential benefits.

Counsel for the Petitioner:MR.P.SRIDHAR RAO

Counsel for the Respondent Nos.1&2: MR.VENKATESWARLU POSANI

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WRIT PETITION NO : 7949 of 2003

Between:

1 T.Durga Rao, S/o.Mukkaiah,
West Godavari District.
2 N.Narendra Kumar, S/o.Venkateshwar Rao
West Godavari District.
3 R.N.Bhushanam S/o.Kashaiah,
West Godavari District.
4 Ms.M.Seetha Devi. D/o.Rama Rao,
West Godavari District.
5 J.Sreedhar, S/o.Krishna Rao
West Godavari District.
6 A.Prasad, S/oSubba Rao,
West Godavari District.

..... PETITIONERS

AND

1 A.P.S.R.T.C., rep. by its Managig Director,
Musherabad, Hyderabad.
2 The Depot Manager, A.P.S.R.T.C.,
Janareddy Gudem Depot, W.G.Dist.,
3 The Depot Manager, A.P.S.R.T.C.,
Eluru bus depot, W.G. Dist.,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records from the respondents and issue an appropriate Writ, Order or

Direction, particularly one in the nature of Writ of Mandamus, declaring that the (i) Proceedings No.P2/255 (1)/02-JRG, dt. 10.7.2002 disengaging services as casual conductors in so far as petitioners no.1, 5 and 6 are concerned with effect from 30.6.2002 and (II) Proc. No.P1/255 (4) /01-JRG DT. 20.8.2001 disengaging services as casual conductors in so far as petitioner nos. 2 3 and 4 are concerned with effect from 21.8.2001 on the ground that curtailment of services by the 2nd respondent as arbitrary, illegal unjust, contrary to law, discriminatory, in violation of principles of natural justice, amounts to unfair labour practice, in violation of section 25-f and 25-n of the Industrial Disputes act, 1947 and also in violation of articles 14 and 21 of the constitution of India and grant all consequential benefits.

Counsel for the Petitioners:MR.P.SRIDHAR RAO

Counsel for the Respondents : MR.VENKATESWARLU POSANI FOR R

The Court made the following :

COMMON ORDER:

Since the issue involved in both the Writ Petitions is common, they are being disposed of by this common order.

Heard the learned counsel appearing for both the parties.

The case of the petitioners is that they have been selected by a properly constituted selection committee in different depots of Andhra Pradesh State Road Transport Corporation in West Godavari region. Their services have been engaged depending upon the workload. While so, to deprive the petitioners, some of the regular conductors from Krishna region have been brought to the West Godavari region and the services of the petitioners have been disengaged by the respondents.

Learned counsel for the petitioners submits that, in fact, all the petitioners have been selected prior to the persons, who were brought from the Krishna region. Therefore, the petitioners are seniors and there is no justification on the part of the respondents in disengaging the petitioners by engaging the persons, who are appointed subsequent to the petitioners, from Krishna region. Admittedly, the unit of appointment and seniority for all purposes is region-wise and even if any request for transfer from one region to another region is made, such request has to be considered only on the condition that the person, who is seeking transfer, would loose his seniority in the transferee region. The learned counsel further submits that if such practice is permitted then the appointing authority in the Krishna region will regularize the services of conductors in that region and send them to other regions to deprive the rights of the conductors who have been selected by a properly constituted committee.

In view of the aforesaid facts and circumstances of the case, this Court granted interim direction directing the respondents to continue the petitioners in the post of conductors in their respective depots. It was also directed that no junior to the petitioners shall be engaged or appointed. Now, it is stated that pursuant to the interim direction of this Court, all the petitioners have been reengaged.

Similar issue has already been decided by this Court in W.P.No.25973 of 2003 and Batch, by order dated 16.09.2004. In view of the same, these two writ petitions are also disposed of in terms thereof. No costs.

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K.C.BHANU, J

05th JULY, 2005.

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To

1 The Managing Director,APSRTC.,

Musheerabad, Hyderabad.

2 The Depot Manager, APSRTC.,
Janga Reddy Gudem, W.G.Dist.

3. The Depot Manager, A.P.S.R.T.C.,

Elugu Bus Depot, Eluru, W.G.District.

4. Two C.D. copies.